

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARY M. TANDLICH,

Docket No. 08 CV1847 (CLB)  
Trial by Jury demanded

Plaintiffs,

- against -

ANSWER

JULIO O. MOLINA and VLADIMIR J. MOLINA,

Defendants.

-----X

Defendants, JULIO O. MOLINA and VLADIMIR J. MOLINA, by their attorneys,  
NESCI - KEANE PLLC, answering the complaint herein, states:

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs 1 and 4 of the complaint.
2. Denies each and every allegation contained in paragraphs 3, 5, 6, 7 and 8 of the complaint.
3. Admits the allegations contained in paragraph 2.

AS AND FOR A FIRST, COMPLETE, SEPARATE  
AND DISTINCT AFFIRMATIVE DEFENSE

4. That the alleged accident and the damages, if any, alleged to have been sustained by Plaintiff resulting therefrom on the occasion mentioned in the complaint were wholly or in part caused by the culpable conduct of the Plaintiff.

**AS AND FOR A SECOND, COMPLETE, SEPARATE  
AND DISTINCT AFFIRMATIVE DEFENSE**

5. If any injuries or damages sustained by the Plaintiff were caused in whole or in part by the Plaintiff's own failure to use available seatbelt, then the Plaintiff cannot recover damages for those injuries which the use of a seatbelt would have obviated.

WHEREFORE, Defendant demands judgment dismissing the complaint herein, together with costs and disbursements of this action and for such other and further relief as to the Court may deem just and proper.

Dated: Hawthorne, New York  
March 13<sup>th</sup>, 2008

NESCI - KEANE PLLC

by   
JASON M. BERNHEIMER (JB9566)  
Attorneys for Defendant  
Office & P. O. Address  
40 Saw Mill River Road, Suite UL1  
Hawthorne, New York 10532  
(914) 345-0005  
File No. 08-048/217555

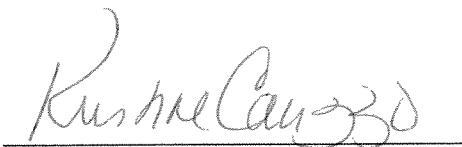
TO: JAY S. HAUSMAN & ASSOCIATES, P.C.  
Attorney for Plaintiff  
Office & P. O. Address  
280 North Central Avenue  
Hartsdale, New York 10530  
(914) 946-3344

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER )  
                         )SS.:  
                         )

KRISTINE CARRIZZO, being duly sworn says:

I am not a party to the action, am over 18 years of age and reside at Dutchess County, New York. On March 13, 2008, I served a true copy of an Answer with Various Demands, by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York addressed to the last known address of the addressee as indicated below:

TO: JAY S. HAUSMAN & ASSOCIATES, P.C.  
Attorney for Plaintiff  
280 North Central Avenue  
Hartsdale, New York 10530



KRISTINE CARRIZZO

SWORN to before me this

13<sup>th</sup> day of March 2008



JASON M. BERNHEIMER  
Notary Public, State of New York  
No. 02BE6019121  
Qualified in Westchester County  
Commission Expires February 1, 2011